

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-27972-2020

Date of decision: 03.11.2020

Bhisham Chauhan

.....Petitioner

versus

State of Haryana

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Gautam Dutt, Advocate
for the petitioner.

Mr. Rajiv Goel, DAG, Haryana.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of restrictions due to outbreak of pandemic COVID-19.

Petitioner-Bhisham Chauhan, stated to be aged 31 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.1452 dated 05.12.2017, registered under Sections 420, 506 & 120-B of Indian Penal Code and Section 3 of the Haryana Protection of Interest of Depositors in FE Act 2014, at Police Station City Ballabgarh, District Faridabad.

At the outset, learned counsel for the petitioner submits that there are three other co-accused who have been granted bail in the same FIR, by this Court, vide order dated 18.08.2020, passed in CRM-M-11444-2020.

On instructions from SI Ishwar Singh, learned State counsel

submits that the investigation in this case, is complete and challan has been presented on 05.07.2019. He submits that there are total of 22 witnesses, but, none has been examined till date. Learned State counsel further by making reference to Sub Para C of the reply dated 14.10.2020, filed by way of affidavit of Sh Jaivir Singh Rathi, HPS, ACP, Ballabgarh, District Faridabad, submits that in the said paragraph, it has been contended that it was found that a sum of Rs.1,67,38,998/- was credited in bank account of the petitioner, but, no amount has been recovered from the petitioner.

Faced with the situation, learned counsel for the petitioner submits that he has instructions from the petitioner and his family members that in order to show their bonafides, without prejudice to their defence in the trial, would deposit bank guarantee/original papers of some immovable property (in the name of petitioner or any of his relative) worth Rs. one crore, (with an undertaking that the same shall not be sold during pendency of the case), within one month from the date of his release before the Duty Magistrate/trial Court, which shall await further orders of the Court.

Learned counsel also submits that in view of the COVID situation, detention of the petitioner in jail would be dangerous to his life and also the fact that trial is likely to take some time, the petitioner may be granted concession of regular bail.

In view of the peculiar facts noticed above and the present situation due to COVID-19 and also the fact that trial is likely to take some time, this Court deems it appropriate to direct release of the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate

concerned, subject to his furnishing bail/surety bonds.

In addition to the above said bail/surety bonds, accepting the offer made by counsel for the petitioner, the petitioner is directed to deposit bank guarantee/original papers of some immovable property (in the name of petitioner or any of his relative) worth Rs. One crore from the date of his release, before the Duty Magistrate/trial court. The petitioner is also directed to give an undertaking that the said property shall not be sold till further orders of the Court.

However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

Accordingly, the present petition stands disposed of.

(GIRISH AGNIHOTRI)
JUDGE

03.11.2020

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No